

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 11115

PERMIT 6584

LICENSE 5730

ORDER ALLOWING ADDITIONAL POINTS OF REDIVERSION AND PLACE OF USE

WHEREAS:

1. License 5730 was issued to Southern California Edison Company and was filed with the County Recorder of Fresno County on June 8, 1959.
2. A petition to add points of rediversion, and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such additions has been shown.
3. The Board has determined that the petitioned additions do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this license shall be as follows:

1. Hooper Creek: North 70° East 2,600 feet from SW corner of Projected Section 19, T7S, R28E, MDB&M, being within SW $\frac{1}{4}$  of said Projected Section 19.
2. North Slide Creek: North 50° East 3,000 feet from SW corner of Projected Section 30, T7S, R28E, MDB&M, being within SW $\frac{1}{4}$  of said Projected Section 30.
3. South Slide Creek: North 60° East 2,500 feet from SW corner of Projected Section 30, T7S, R28E, MDB&M, being within SW $\frac{1}{4}$  of said Projected Section 30.
4. Tombstone Creek: North 87° East 1,800 feet from SW corner of Projected Section 31, T7S, R28E, MDB&M, being within SW $\frac{1}{4}$  of said Projected Section 31.
5. Bolsillo Creek: North 1° East 600 feet from SW corner of Projected Section 16, T7S, R27E, MDB&M, being within SW $\frac{1}{4}$  of said Projected Section 16.

Points of Rediversion:

1. Balsam Meadow Dam: South 34° East 3,100 feet from NW corner of Section 9, T9S, R25E, MDB&M, being within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 9.
2. Portal Forebay Dam: North 61° East 1,900 feet from SW corner of Section 18, T7S, R27E, MDB&M, being within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 18.

2. The place of use under this license shall be as follows:

Portal Power Plant, within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  Section 5, T8S, R26E, MDB&M  
Powerhouse No. 1, within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 28, T8S, R25E, MDB&M  
Powerhouse No. 2, within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  Section 25, T8S, R24E, MDB&M  
Powerhouse No. 2A, within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  Section 25, T8S, R24E, MDB&M  
Powerhouse No. 8, within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 27, T8S, R24E, MDB&M

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Powerhouse No. 3, within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  Section 17, and SE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 18, both within T9S, R24E, MDB&M  
Balsam Meadow Powerhouse within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 16, T9S, R25E, MDB&M

The Water is returned to San Joaquin River in the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  Section 18, T9S, R24E, MDB&M

3. The following terms are added to the license:

1. Actual construction work on the Balsam Meadow Project shall begin on or before two years from date of change order and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this change order may be revoked.
2. Construction work shall be completed by December 1, 1989.
3. Complete application of the water to the authorized use shall be made by December 1, 1993.
4. Licensee shall comply with the following provisions which are derived from the agreement between licensee and the California Department of Fish and Game executed on August 9, 1982 and filed with the State Water Resources Control Board:
  - (1) To establish and/or maintain instream beneficial uses affected by the project licensee shall maintain the following continuous minimum regulated flows in cubic feet per second, immediately downstream from the confluence of Tunnel No. 7 outlet and North Fork Stevenson Creek:

Water

Year

Condit-  
ion

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Normal:	4	4	4	3.5	3.5	3.5	5	5	5	4.5	4.5	4.5
Dry:	3	3	3	3	3	3	4	4	4	3.5	3.5	3.5

The following definitions shall be used in determining water year conditions:

- (a) Normal Year: During the annual period from May 1 to April 30, whenever the April 1 forecast of the United States Bureau of Reclamation for the April through July natural runoff of the San Joaquin River at Friant Dam exceeds 900,000 acre-feet.
- (b) Dry Year: During the annual period from May 1 to April 30, whenever the April 1 forecast of the United States Bureau of Reclamation for the April through July natural runoff of the San Joaquin River at Friant Dam is equal to or less than 900,000 acre-feet.

If during a designated dry year, the February 1 or March 1 California Department of Water Resources forecast of unimpaired runoff for the San Joaquin River at Friant Dam indicates that dry year conditions no longer prevail, normal year flow releases shall resume within 7 days after notification by the Department of Fish and Game.

- (2) Licensee shall install and properly maintain a continuous flow recorder, satisfactory to the State Water Resources Control Board, which is capable of measuring flows near the intersection of North Fork Stevenson Creek and the Shaver Lake perimeter road. Measurement records shall be provided to the Department of Fish and Game and the State Water Resources Control Board upon request.

- (3) Licensee, after project completion, shall with California Department of Fish and Game approval introduce spawning gravels into the upper channel of the North Fork Stevenson Creek below the Tunnel No. 7 outlet. Should stream flushing occur as a direct result of powerhouse operation and fish and spawning gravels or vegetation are removed, Licensee shall with Department of Fish and Game approval, replace or restore essential spawning gravel, trout and riparian vegetation.
- (4) Licensee shall, prior to the alteration of Stevenson Meadow, remove the small population of resident rainbow trout and plant them in acceptable habitat in the North Fork Stevenson Creek.
- (5) To enhance the fishery production of Shaver Lake, licensee shall:
  - (a) develop fishery production terraces within Shaver Lake utilizing up to 15,000 cubic yards of coarse tunnel tailings. Upon these terraced areas licensee shall develop rock escape areas and vegetative plantings to improve fish species composition, provide food, and assist juvenile fish escapement.
  - (b) develop a combination of vegetative plantings and developed rock escapement areas specifically for the breeding and propagation of warm-water game fish at other accessible locations within the northeast sector (Sections 19, 20 & 29) of Shaver Lake. Rock materials utilized in construction of the fish escapement areas shall be 8 inches or larger in size. Licensee shall supply and plant willow plants, in the form of native willow starts utilized for reservoir improvement.
  - (c) prior to completion of tunnel tailrace construction, with Department of Fish and Game approval, develop implementation plans which include specific sites and techniques necessary to effect item (a) and (b) above.
- (6) To compensate for project-induced impacts to wildlife resources, licensee shall implement a Habitat Management Plan to preserve or increase the carrying capacities and diversity of wildlife habitats on lands in the vicinity of the project. The Habitat Management Plan shall be submitted to the State Water Resources Control Board for review and approval prior to implementation. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goal of preserving or increasing the capacity and diversity of wildlife habitat in the project vicinity.
- (7) Licensee shall develop and implement a Road Plan which will be designed to mitigate/compensate significant long and short-term impacts to wildlife and their habitat due to project construction activities. Prior to diversion and use of water, the Road Plan shall be submitted to the State Water Resources Control Board for review and approval. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goal of mitigation/ - compensation for construction impacts.
- (8) If licensee determines that a construction camp is necessary, licensee shall:
  - (a) develop a recreational plan acceptable to the Department of Fish and Game for construction camp personnel, and

- (b) 12 months after the project becomes operational, licensee shall restore the construction camp area to its natural condition. This shall be accomplished by the removal of all support facilities, replanting trees where necessary, reestablishing herbaceous and browse forage, and establishment of roadside screening.
- (9) To mitigate impacts to disturbed site, licensee shall develop and implement rehabilitation plans for laydown and construction areas and the Balsam Meadow spillway. Such plans shall be submitted to the State Water Resources Control Board for review and approval prior to construction. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goals of the plans.
- (10) To mitigate/compensate for effects on wildlife in the transmission line right-of-way, licensee shall develop and implement a vegetative clearing and maintenance plan which is satisfactory to the Department of Fish and Game and the United States Forest Service. Such plan shall be submitted to the State Water Resources Control Board for review and approval prior to implementation. The Board should maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goals of the plan.
- (11) Licensee shall, beginning with the acceptance of the amendment to the Federal Energy Regulatory Commission license, conduct annual nesting raptor surveys at all project construction sites and identify the specific raptors. If active raptor nests are discovered within  $\frac{1}{4}$  mile of any construction site, licensee shall inform the United States Forest Service who shall recommend appropriate measures to be implemented.
5. Licensee shall, prior to construction of the Balsam Meadow project, file a report of Waste Discharge pursuant to Water Code Section 13260 with the California Regional Water Quality Control Board, Central Valley Region, (Regional Board) and shall comply with all Waste Discharge Requirements issued by the Regional Board. If the Regional Board waives issuance of Waste Discharge Requirements, the licensee shall comply with Parts I and II of the "Guidelines for Protection of Water Quality During Construction and Operation of Small Hydro Projects" (Guidelines) as contained in the Water Quality Control Plans of the Central Valley Basin.
- Specific requirements set forth in the change order shall prevail over any specific or general requirements in the referenced Guidelines in the event of conflict.
- When complying with the Guidelines pursuant to this condition, the licensee shall not commence construction until the Erosion Control Plan and any baseline data required by the Guidelines have been submitted to and approved in writing by the Regional Board; and before commencing sluicing operation, the licensee shall submit and receive written approval from the Regional Board of the Sluicing Operation Plan.
6. Prior to diversion and use of water, licensee shall consult with the California Department of Fish and Game and develop an Alternative Meadow Compensation Plan. Said plan shall be reviewed and approved by the State Water Resources Control Board.
7. Licensee shall undertake a monitoring program to evaluate the effectiveness of that portion of the Habitat Management Plan (see other terms herein) which deals with meadow rehabilitation. Said monitoring program shall include, at a minimum, the following two-phase approach:
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Phase I: Before initial habitat work commences on the meadows, licensee in cooperation with the Department of Fish and Game, shall monitor deer usage and determine achievable objectives for increasing deer usage in those areas. These objectives shall be compatible with other goals of the management plan.

Phase II: Following completion of the initial meadow habitat enhancement work, in cooperation with the Department of Fish and Game, licensee shall periodically monitor deer usage of these meadows and evaluate the trend in actual usage against objectives established during Phase I.

If the Phase II monitoring shows that deer usage is below the objective and the habitat manipulation objective has not been met, licensee shall undertake a study to determine whether lower than expected deer usage is attributable to external factors or to deficiencies in the habitat management plan. If the latter is found to be the case, licensee, in cooperation with the Department of Fish and Game, shall further modify the wildlife habitat management plan to achieve the desired objectives for deer usage. If desired objectives for deer usage cannot be obtained, licensee, in cooperation with the Department of Fish and Game, shall institute the alternative meadow compensation plan (Condition 6).

8. Licensee shall provide the following recreational facilities:

- a. A snow play area located just off State Highway Route 168 at the entrance road to the Balsam Meadow Forebay site, with a 20- to 30-car paved parking lot and vault toilets.
- b. A walk-in day use area with 5 picnic sites and vault toilets at the reservoir site.
- c. A snow play area, to be located at the existing turn-out/parking area on State Highway Route 168 near Pinchot Knob; portable toilets shall be provided in the winter.
- d. Cross-country ski trails, consisting of 8-10 miles of loop trails.
- e. Licensee shall be responsible for maintaining the above recreational facilities in a usable fashion.

9. The licensee shall complete all of the mitigation measures proposed in the Balsam Meadow Cultural Resources Management Plan and the Final EIR. Licensee shall fund all of the cultural resource studies outlined in these mitigation measures. Such studies shall be conducted by professional archeologists, historians, and anthropologists, familiar with the Balsam Meadow cultural resource setting, under contract to licensee. The licensee shall complete all of the data recovery (archeological) mitigation prior to commencing any project construction or land disturbance. The licensee shall additionally fund any cultural resource studies deemed necessary, by the United States Forest Service and the State Historic Preservation Office, to identify, evaluate, and mitigate and/or protect any previously unrecorded cultural resources that are discovered during the design and construction phases of the Balsam Meadow Project.

10. Licensee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.

11. Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

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The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

12. The quantity of water diverted under this license is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Dated: JUNE 11 1984

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights

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License # 5730

Appl. # 11115

SEE ORDER WR84-11

ORDER AMENDING AND AFFIRMING PERMIT AND  
ORDERS GRANTING PETITIONS FOR CHANGE,  
AND DENYING PETITION FOR RECONSIDERATION

DATED SEPTEMBER 6, 1984

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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 11115 PERMIT 6584 LICENSE 5730

ORDER AMENDING AND REPLACING ORDER DATED JUNE 11, 1984

**WHEREAS:**

1. License 5730 was issued to Southern California Edison Company and was filed with the County Recorder of Fresno County on June 8, 1959.
2. An order allowing additional points of redirection and place of use was granted on June 11, 1984 and has been recorded with the County Recorder of Fresno County on June 25, 1984.
3. A petition for reconsideration was filed with the State Water Resources Control Board resulting in a letter from Chief of the Division of Water Rights setting forth some changes and Board Order WR 84-11 also authorizing changes. The Board has determined that good cause for such change has been shown. This order will replace the order dated June 11, 1984.
4. The Board has determined that the changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The points of diversion and redirection under this license shall be as follows:

**Points of Diversion:**

1. Hooper Creek: North 70° East 2,600 feet from SW corner of Projected Section 19, T7S, R28E, MDB&M, being within SW $\frac{1}{4}$  of said Projected Section 19.
2. North Slide Creek: North 50° East 3,000 feet from Sw corner of Projected Section 30, T7S, R28E, MDB&M, being within SW $\frac{1}{4}$  of said Projected Section 30.
3. South Slide Creek: North 60° East 2,500 feet from SW corner of Projected Section 30, T7S, R28E, MDB&M, being within SW $\frac{1}{4}$  of said Projected Section 30.
4. Tombstone Creek: North 87° East 1,800 feet from SW corner of Projected Section 31, T7S, R28E, MDB&M, being within SW $\frac{1}{4}$  of said Projected Section 31.
5. Bolsillo Creek: North 1° East 600 feet from SW corner of Projected Section 16, T7S, R27E, MDB&M, being within SW $\frac{1}{4}$  of said Projected Section 16.

**Points of Rediversion:**

1. Balsam Meadow Dam: South 34° East 3,100 feet from NW corner of Section 9, T9S, R25E, MDB&M, being within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 9.



2. Portal Forebay Dam: North 61° East 1,900 feet from SW corner of Section 18, T7S, R27E, MDB&M, being within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 18.

2. The place of use under this license shall be as follows:

Portal Power Plant within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 5, T8S, R26E, MDB&M  
Power House No. 1 within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 28, T8S, R25E, MDB&M  
Power House No. 2 within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 25, T8S, R24E, MDB&M  
Power House No. 2A within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 25, T8S, R24E, MDB&M  
Power House No. 8 within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 27, T8S, R24E, MDB&M  
Power House No. 3 within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 17, and SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 18, both in T9S, R24E, MDB&M.  
Balsam Meadow Powerhouse within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 16, T9S, R25E, MDB&M.

The water is returned to San Joaquin River within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 18, T9S, R24E, MDB&M.

3. The following terms are added to the license:

1. Actual construction work on the Balsam Meadow Project shall begin on or before two years from date of change order and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this change order may be revoked.

2. Construction work shall be completed by December 1, 1989.

3. Complete application of the water to the authorized use shall be made by December 1, 1993.

4. Licensee shall comply with the following provisions for the Balsam Meadow Project. The provisions are derived from the agreement between the Licensee and the California Department of Fish and Game executed on August 9, 1982 and filed with the State Water Resources Control Board:

(1) To establish and/or maintain instream beneficial uses affected by the project, Licensee shall maintain the following continuous minimum regulated flows in cubic feet per second, immediately downstream from the confluence of Tunnel No. 7 outlet and North Fork Stevenson Creek:

Water  
Year  
Condit-  
ion

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Normal:	4	4	4	3.5	3.5	3.5	5	5	5	4.5	4.5	4.5
Dry:	3	3	3	3	3	3	4	4	4	3.5	3.5	3.5

The following definitions shall be used in determining water year conditions:

(a) Normal Year: During the annual period from May 1 to April 30, whenever the April 1 forecast of the United States Bureau of Reclamation for the April through July natural runoff of the San Joaquin River at Friant Dam exceeds 900,000 acre-feet.

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- (b) Dry Year: During the annual period from May 1 to April 30, whenever the April 1 forecast of the United States Bureau of Reclamation for the April through July natural runoff of the San Joaquin River at Friant Dam is equal to or less than 900,000 acre-feet.

If during a designated dry year, the February 1 or March 1 California Department of Water Resources forecast of unimpaired runoff for the San Joaquin River at Friant Dam indicates that dry year conditions no longer prevail, normal year flow releases shall resume within 7 days after notification by the Department of Fish and Game.

- (2) Licensee shall install and properly maintain a continuous flow recorder, satisfactory to the State Water Resources Control Board which is capable of measuring flows near the intersection of North Fork Stevenson Creek and the Shaver Lake perimeter road. Measurement records shall be provided to the Department of Fish and Game and the State Water Resources Control Board upon request.
- (3) Licensee, after project completion, shall with California Department of Fish and Game approval introduce spawning gravels into the upper channel of the North Fork Stevenson Creek below the Tunnel No. 7 outlet. Should stream flushing occur as a direct result of powerhouse operation and fish and spawning gravels or vegetation are removed, Licensee shall with Department of Fish and Game approval, replace or restore essential spawning gravel, trout and riparian vegetation.
- (4) Licensee shall, prior to the alteration of Stevenson Meadow, remove the small population of resident rainbow trout and plant them in acceptable habitat in the North Fork Stevenson Creek.
- (5) To enhance the fishery production of Shaver Lake, Licensee shall:
- (a) develop fishery production terraces within Shaver Lake utilizing up to 15,000 cubic yards of coarse tunnel tailings. Upon these terraced areas Licensee shall develop rock escape areas and vegetative plantings to improve fish species composition, provide food, and assist juvenile fish escapement.
- (b) develop a combination of vegetative plantings and developed rock escapement areas specifically for the breeding and propagation of warm-water game fish at other accessible locations within the northeast sector (Sections 19, 20 & 29) of Shaver Lake. Rock materials utilized in construction of the fish escapement areas shall be 8 inches or larger in size. Licensee shall supply and plant willow plants, in the form of native willow starts utilized for reservoir improvement.
- (c) prior to completion of tunnel tailrace construction, with Department of Fish and Game approval, develop implementation plans which include specific sites and techniques necessary to effect item (a) and (b) above.
- (6) To compensate for project-induced impacts to wildlife resources, Licensee shall implement a Habitat Management Plan to preserve or increase the carrying capacities and diversity of wildlife habitats on lands in the vicinity of the project. The Habitat Management Plan shall be submitted to the State Water Resources Control Board for review and approval prior to implementation. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goal of preserving or increasing the capacity and diversity of wildlife habitat in the project vicinity.
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- (7) Licensee shall develop and implement a Road Plan which will be designed to mitigate/compensate significant long and short-term impacts to wildlife and their habitat due to project construction activities. Prior to diversion and use of water, the Road Plan shall be submitted to the State Water Resources Control Board for review and approval. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goal of mitigation/ - compensation for construction impacts.
  - (8) If Licensee determines that a construction camp is necessary, Licensee shall:
    - (a) develop a recreational plan acceptable to the Department of Fish and Game for construction camp personnel, and
    - (b) 12 months after the project becomes operational, Licensee shall restore the construction camp area to its natural condition. This shall be accomplished by the removal of all support facilities, replanting trees where necessary, reestablishing herbaceous and browse forage, and establishment of roadside screening.
  - (9) To mitigate impacts to disturbed site, Licensee shall develop and implement rehabilitation plans for laydown and construction areas and the Balsam Meadow spillway. Such plans shall be submitted to the State Water Resources Control Board for review and approval six months prior to project operation. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goals of the plans.
  - (10) To mitigate/compensate for effects on wildlife in the transmission line right-of-way, Licensee shall develop and implement a vegetative clearing and maintenance plan which is satisfactory to the Department of Fish and Game and the United States Forest Service. Such plan shall be submitted to the State Water Resources Control Board for review and approval prior to implementation. The Board shall maintain continuing authority to change or add terms in the public interest to resolve issues arising from any impasse among the parties encountered in achieving the goals of the plan.
  - (11) Licensee shall, beginning with the acceptance of the amendment to the Federal Energy Regulatory Commission license, conduct annual nesting raptor surveys at all project construction sites and identify the specific raptors. If active raptor nests are discovered within  $\frac{1}{4}$  mile of any construction site, Licensee shall inform the United States Forest Service who shall recommend appropriate measures to be implemented.
5. Licensee shall, prior to construction of the Balsam Meadow project, file a report of Waste Discharge pursuant to Water Code Section 13260 with the California Regional Water Quality Control Board, Central Valley Region, (Regional Board) and shall comply with all Waste Discharge Requirements issued by the Regional Board. If the Regional Board waives issuance of Waste Discharge Requirements, the Licensee shall comply with Parts I and II of the "Guidelines for Protection of Water Quality During Construction and Operation of Small Hydro Projects" (Guidelines) as contained in the Water Quality Control Plans of the Central Valley Basin.

Specific requirements set forth in the change order shall prevail over any specific or general requirements in the referenced Guidelines in the event of conflict.

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When complying with the Guidelines pursuant to this condition, the Licensee shall not commence construction until the Erosion Control Plan and any baseline data required by the Guidelines have been submitted to and approved in writing by the Regional Board; and before commencing sluicing operation, the Licensee shall submit and receive written approval from the Regional Board of the Sluicing Operation Plan.

6. Within 180 days the Licensee shall, in consultation with the California Department of Fish and Game, prepare a report (1) specifying meadow habitat mitigation objectives, (2) providing a monitoring program for measuring compliance with the objectives and submit the report to the State Water Resources Control Board for approval.

- o Mitigation objectives shall be stated as general terms and terms capable of measurement.
- o Monitoring shall result in data permitting comparison of mitigation objectives with mitigation accomplishments.

Commencing January 1, 1989 and continuing through January 1, 1993, the Licensee shall submit annual reports to the Board summarizing mitigation work completed, work in progress or to be initiated and mitigation measures accomplished. If mitigation objectives are not accomplished by December 1, 1993, the Licensee shall, within 6 months and in consultation with the Department, prepare a report which either recommends additional actions to ensure successful meadow rehabilitation or alternative mitigation measures and submit the report to the Board for approval. The Board retains jurisdiction to require the Company to implement additional actions to ensure successful meadow rehabilitation or alternative mitigation measures.

7. The following recreational facilities shall be provided by the Licensee unless substitute mitigation measures are agreed to by the Company and the United States Forest Service. The substitute measures shall be submitted to the State Water Resources Control Board for review and approval:
  - a. A snow play area located just off State Highway Route 168 at the entrance road to the Balsam Meadow Forebay site, with a 20- to 30-car paved parking lot and vault toilets.
  - b. A walk-in day use area with 5 picnic sites and vault toilets at the reservoir site.
  - c. A snow play area, to be located at the existing turn-out/parking area on State Highway Route 168 near Pinchot Knob; portable toilets shall be provided in the winter.
  - d. Cross-country ski trails, consisting of 8-10 miles of loop trails.
  - e. Licensee shall be responsible for maintaining the above recreational facilities in a usable fashion.
8. The Licensee shall complete all of the mitigation measures proposed in the Balsam Meadow Cultural Resources Management Plan and the Final EIR. Licensee shall fund all of the cultural resource studies outlined in these mitigation measures. Such studies shall be conducted by professional archeologists, historians, and anthropologists, familiar with the Balsam Meadow cultural resource setting, under contract to Licensee. The Licensee shall complete all of the data recovery (archeological) mitigation prior to commencing any project construction or land disturbance. The Licensee shall additionally fund any cultural resource studies deemed necessary, by the United States Forest Service and the State Historic Preservation Office, to identify, evaluate, and mitigate and/or protect and previously unrecorded cultural resources that are discovered during the design and construction phases of the Balsam Meadow Project.

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9. Licensee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.
10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of Licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against unreasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the Licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

11. The quantity of water diverted under this license is subject to modification by the State Water Resources Control Board if, after notice to the Licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

FEBRUARY 11 1985

Dated:

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights

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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 11115

PERMIT 6548

LICENSE 5730

ORDER ALLOWING CHANGE IN POINT OF REDIVERSION AND AMENDING THE LICENSE

WHEREAS:

1. License 5730 was issued to Souther California Edison Company and was filed with the County Recorder of Fresno County on June 8, 1959.
2. An order allowing additional points of rediversion and place of use was granted on June 11, 1984 and has been filed with the County Recorder of Fresno County on June 25, 1984.
3. A order amending and replacing order dated June 11, 1984 was issued on February 11, 1985 has been recorded with the County Recorder of Fresno County on February 25, 1985.
4. A petition to add points of rediversion, has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
5. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of diversion and rediversion under this license shall be as follows:

Points of Diversion:

1. Hooper Creek: North 70° East 2,600 feet from SW corner of projected Section 19, T7S, R28E, MDB&M, being within SW¼ of said projected Section 19.
2. North Slide Creek: North 50° East 3,000 feet from SW corner of projected Section 30, T7S, R28E, MDB&M, being within SW¼ of said projected Section 30.
3. South Slide Creek: North 60° East 2,500 feet from SW corner of projected Section 30, T7S, R28E, MDB&M, being within SW¼ of said projected Section 30.
4. Tombstone Creek: North 87° East 1,800 feet from SW corner of projected Section 31, T7S, R28E, MDB&M, being within SW¼ of said projected Section 31.
5. Bolsillo Creek: North 1° East 600 feet from SW corner of projected Section 16, T7S, R27E, MDB&M, being within SW¼ of said projected Section 16.

Points of Rediversion:

1. Balsam Meadow Dam: South 34° East 3,100 feet from NW corner of Section 9, T9S, R25E, MDB&M, being within SE¼ of NW¼ of said Section 9.
2. Portal Forebay Dam: North 61° East 1,900 feet from SW corner of Section 18, T7S, R27E, MDB&M, being within SW¼ of SW¼ of said Section 18.

3. South Fork San Joaquin River: South 79° 34' 54" West 2,533.12 feet from NW corner of Section 6, T8S, R28E, MDB&M, being within the NW¼ of NE¼ of Section 1, T8S, R27E, MDB&M.
  4. Big Creek Dam No. 1: North 32° 36' 01" East 2,577.33 feet from SW corner of Section 14, T8S, R25E, MDB&M, being within the NE¼ of SE¼ of said Section 14.
  5. Stevenson Creek: North 27° 20' 18" East 1,591.2 feet from South quarter corner of Section 13, T9S, R24E, MDB&M, being within NW¼ of SE¼ of said Section 13.
  6. Big Creek Dam No. 4: North 31° 43' 38" West 7,948.23 feet from the South quarter corner of Section 34, T8S, R25E, MDB&M, being within NW¼ of SE¼ of Section 28, T8S, R25E, MDB&M.
  7. Big Creek Dam No. 5: North 0° 58' 32" West 6,276.23 feet from the SW corner of Section 36, T8S, R24E, MDB&M, being within SE¼ of SE¼ of Section 26, T8S, R24E, MDB&M.
  8. San Joaquin River Dam No. 6: North 8° 29' 55" West 9,231.86 feet from the SE corner of Section 34, T8S, R24E, MDB&M, being within the SW¼ of NE¼ of Section 27, T8S, R24E, MDB&M.
2. The continuing authority provision in this license shall be amended to contain Section 761(a), Title 23, California Administrative Code which reads as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: APRIL 2 1987

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights

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STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 11115

PERMIT 6584

LICENSE 5730

THIS IS TO CERTIFY, That

Southern California Edison Company  
601 West Fifth Street  
Los Angeles 17, California

has made proof as of August 19, 1958  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
(a) Hooper Creek, (b) North Slide Creek, (c) South Slide Creek, (d) Tombstone Creek,  
tributary to South Fork of San Joaquin River (e) Bolsillo Creek in Fresno County

for the purpose of power and incidental domestic uses  
under Permit 6584 of the State Water Rights Board and that said right to the use of said water has been  
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the  
terms of the said permit; that the priority of the right herein confirmed dates from July 23, 1945  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed one hundred sixteen and five  
tenths (116.5) cubic feet per second to be diverted as follows:

- (a) Seventy-seven (77) cubic feet per second to be diverted from January 1 to December 31 of each year.
- (b) Two and two tenths (2.2) cubic feet per second to be diverted from January 1 to December 31 of each year.
- (c) Three and seven tenths (3.7) cubic feet per second to be diverted from January 1 to December 31 of each year.
- (d) Thirteen and six tenths (13.6) cubic feet per second to be diverted from about March 15 to about December 15 of each year.
- (e) Twenty (20) cubic feet per second to be diverted from January 1 to December 31 of each year.

The points of diversion are located as follows:

- (a) North seventy degrees east (N70°E), two thousand six hundred (2600) feet from SW corner of projected Section 19, T7S, R28E, MDB&M, being within SW $\frac{1}{4}$  of said projected Section 19.
- (b) North fifty degrees east (N50°E), three thousand (3000) feet from SW corner of projected Section 30, T7S, R28E, MDB&M, being within SW $\frac{1}{4}$  of said projected Section 30.
- (c) North sixty degrees east (N60°E), two thousand five hundred (2500) feet from SW corner of projected Section 30, T7S, R28E, MDB&M, being within SW $\frac{1}{4}$  of said projected Section 30.
- (d) North eighty-seven degrees east (N87°E), one thousand eight hundred (1800) feet from SW corner of projected Section 31, T7S, R28E, MDB&M, being within SW $\frac{1}{4}$  of said projected Section 31.
- (e) North one degree east (N1°E), six hundred (600) feet from SW corner of projected Section 16, T7S, R27E, MDB&M, being within SW $\frac{1}{4}$  of said projected Section 16.

A description of the lands or the place where such water is put to beneficial use is as follows:

Portal P.H. within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 5, T8S, R26E, MDB&M  
PH No. 1 within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 28, T8S, R25E, MDB&M  
PH No. 2 within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 25, T8S, R24E, MDB&M  
PH No. 2A within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 25, T8S, R24E, MDB&M  
PH No. 8 within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 27, T8S, R24E, MDB&M  
PH No. 3 within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 17 and SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 18, T9S, R24E, MDB&M.

The water will be returned to San Joaquin River in Southeast Quarter of Northeast Quarter of Section 18, T9S, R24E, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.



This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

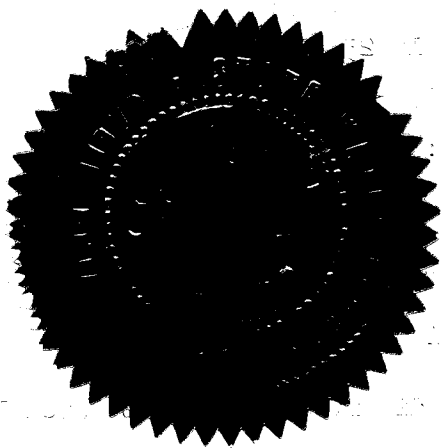
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUN 5 '59

L. K. Hill  
Executive Officer



LICENSE 5730

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Southern California Edison Co.

JUN 5 '59

DATED

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